

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH B. GIBBS,

Plaintiff,

v.

A. HERRERA, et al.,

Defendants.

No. 2:21-cv-2188 TLN AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 7, 2022, the court granted plaintiff's request for an extension of time either to file an application to proceed in forma pauperis or to pay the filing fee. ECF No. 9. Thereafter, plaintiff's prisoner trust fund account statement was submitted to the court along with an application to proceed in forma pauperis. ECF Nos. 12, 13. On May 10, 2022, because plaintiff's trust account statement indicated that he was able to pay the filing fee, the court ordered plaintiff to do so within thirty days. ECF No. 14.

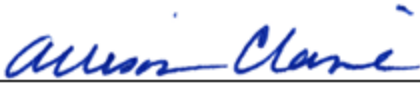
In response, plaintiff has filed a letter with the court indicating that he has attempted to pay the filing fee via prison authorities and his counselor, but has had difficulty doing so. ECF No. 15. The court will provide plaintiff an additional thirty days to pay the filing fee.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis (ECF No. 13) is DENIED; and
2. Within thirty days from the date of this order, plaintiff shall pay the filing fee in full.

Plaintiff is cautioned that failure to pay the fee will result in a recommendation that the instant action be dismissed without prejudice.

DATED: June 9, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE